



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE
APPOINTMENT OF BOWLES RICE TO SERVE AS OUTSIDE
COUNSEL ON BEHALF OF THE WEST VIRGINIA TREASURER'S OFFICE**

The West Virginia Treasurer's Office (hereinafter "Treasurer" or "State Treasurer's Office") is in need of legal representation to assist with pending litigation relating to a contractual dispute involving issues of indemnity stemming from an alleged scheme to electronically divert state funds into fraudulent accounts.

More specifically, the Treasurer seeks assistance with the handling of the case of *Wells Fargo Bank v. John D. Perdue*, in his official capacity as *West Virginia State Treasurer*, Civil Action No. 14-C-756 (Kanawha County Circuit Court) (previously a part of the civil action *State of West Virginia v. Wachovia Bank, N.A., et al.*, Civil Action No. 10-C-31, currently pending in Lincoln County Circuit Court).

Pursuant to the written determination issued on April 11, 2014, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the Treasurer with the needed legal services. A request for proposals was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

In response to the request for proposal, the Office of the Attorney General received a proposal for legal services from Bowles Rice, LLP. After reviewing the proposal, the Office has determined that the appointment of Bowles Rice would be appropriate, based on the following factors:

- Bowles Rice has the requisite skills and expertise needed to handle the legal matter in question;
- Bowles Rice possesses the requisite staffing and support to handle the scope of the legal matter in question;
- Despite publication of the request for proposal, no other attorneys or law firms submitted a proposal to perform the needed legal services;

- Based on the most recently filed “Complaint for Declaratory Judgment and Other Relief,” the Treasurer now requires time-sensitive legal services for which insufficient time exists to complete another competitive bidding process for solicitation of additional proposals;
- Bowles Rice is located in the geographic area (Kanawha County) where many of the legal services will be performed;
- Under Bowles Rice’s proposal, a majority of the needed legal services would be performed at rates of \$260 an hour and less; and,
- Bowles Rice’s proposal is responsive to the Treasurer’s needs, based on consultation with the client.

Based on the factors set forth above, and in consultation with the Treasurer’s Office, the Office of the Attorney General authorizes the appointment of Bowles Rice to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in blue ink, appearing to read "R. Heath, Jr.", with a horizontal line underneath it.

Richard R. Heath, Jr.
Deputy Attorney General

Date Signed: May 6, 2014